



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No.5036-00
12 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 18 August 1978 for six years at age 18. You were ordered to active duty on 28 August 1978 for a period of 36 months. You completed recruit training and were assigned to the USS IWO JIMA, homeported in Norfolk, VA.

The record reflects that you served without incident until 2 October 1979 when you were referred for a psychiatric evaluation due to your inability to deal with Navy life. You stated that you could not handle the rules and regulations or the stress. It was noted you had turned yourself in a week ago after being on an unauthorized absence (UA) of 30 days. You were diagnosed with an "immature personality disorder characterized by impulsivity, immature behavior, low frustration tolerance, blames others, and inability to learn from experiences." Administrative separation was strongly recommended.

On 31 December 1979 you received nonjudicial punishment (NJP) for two periods of UA totalling about 61 days, from 23-31 July and 2 August to 25 September 1979. Punishment imposed consisted of forfeitures of \$190 pay per month for two months and 30 days of restriction and extra duty.

You were reported UA again on 3 March 1980 and remained absent until you surrendered to military authorities at Port Hueneme, CA on 30 May 1980. No disciplinary action was taken for this period of UA.

On 22 July 1980 you were notified that administrative separation processing was being initiated by reason of unsuitability due to a diagnosed personality disorder. You were advised of your procedural rights and declined to consult with legal counsel or submit a statement in your own behalf. In his recommendation, the commanding officer at Port Hueneme noted that your immaturity was strikingly apparent to all levels of the command and your performance while attached to his command was reinforced by the foregoing diagnosis. The separation package was forwarded to the commanding officer onboard USS IWO JIMA, who recommended that your discharge be approved. On 31 August 1980 the Chief of Naval Personnel directed separation by reason of unsuitability with the type of discharge warranted your service record. You received a general discharge on 10 September 1980 and were assigned an RE-4 reenlistment code.

Regulations provided that individuals discharged by reason of unsuitability would receive the type of discharge warranted by the service record. Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Your record reflects two sets of marks through July 1980, but no marks were recorded at the time of your discharge. Your military behavior and overall traits averages through July 1980 were 3.3 and 2.6, respectively. A minimum average mark of 2.7 in overall traits was required for a fully honorable characterization. Regulations further required the assignment of an RE-4 reenlistment code to individuals discharged by reason of unsuitability.

In its review the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, diagnosed personality disorder, and the fact that it has been more than 20 years since you were discharged. Your claims of completing college and having a stable work record are unsupported by any evidence submitted in support of your application. The Board noted your desire to be a member of the California State Military Reserves. The Board concluded that the foregoing factors and claims were insufficient to warrant recharacterization of your discharge given your record of an NJP

for UAs totalling 61 days, a UA of nearly three months for which you received no disciplinary action, and the fact that you failed to achieve the required average in overall traits. Since your last marks were assigned less than two months from the date of your discharge, the Board believed that most probably no other marks were ever assigned. Absent evidence to the contrary, the Board concluded that had marks been assigned at discharge, they would not have been sufficiently high enough to warrant a fully honorable discharge. The fact that you desire to join the California State Military Reserves does not provide a valid basis for changing a correctly assigned reenlistment code. The Board noted that some state militias may waive an RE-4 reenlistment code. The Board concluded that the discharge and reenlistment code were proper and no changes are warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director